

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	Case No. 3:17-cr-189
v.	:	
	:	Judge Thomas M. Rose
LEROY GREEN,	:	
	:	
Defendant.	:	

ENTRY AND ORDER TO SHOW CAUSE

On January 19, 2021, Defendant Leroy Green (“Green”) filed a *pro se* Motion for Compassionate Release. (Doc. 33.) On January 22, 2021, the Court appointed Mr. Richard E. Mayhall to represent Green in this matter. (Doc. 34) On January 25, 2021, the Court entered the following Notation Order:

NOTATION ORDER: Based on the January 22, 2021 appointment of counsel for Defendant Leroy Green following the pro se filing of the motion for compassionate release 33, the Court clarifies that **counsel for the defendant shall file a Notice of Intent in accordance with Amended General Order 20-21 on or before January 29, 2021.** The parties shall thereafter follow the procedures set forth in Amended General Order 20-21 with the MODIFICATION that counsel for the defendant shall have 7 days from the filing of any response by the Government to the motion for compassionate release in order to file a reply to the Government's response (or to file a notice indicating that no reply will be filed) before the Court will consider the matter ripe for adjudication. Signed by Judge Thomas M. Rose on 1-25-2021.

(1/25/2021 Notation Order (emphasis added).) Amended General Order 20-21 states, in relevant part:

The Clerk’s Office shall promptly notify the Federal Public Defender of all pro se motions seeking compassionate release. These pro se filings will be reviewed by

the Federal Public Defender and timely addressed in the manner described above. Each pro se filing shall be held in abeyance for a period of 7 days to allow the Federal Public Defender (or CJA or retained counsel, as the case may be) to review the pro se filing. **By no later than the end of that seven-day period, counsel for the defendant shall file a Notice of Intent (the ‘Notice’) with the Court advising the Court and government counsel whether counsel for the defendant anticipates filing a supplement to the defendant’s pro se filing. ...**

(S.D. Ohio Amended Gen. Ord. 20-21 at p. 2 (emphasis added).)

Counsel for Green did not file a Notice of Intent on or before January 29, 2021 and has yet to file a Notice of Intent, and the Court has not been advised of an agreement between the parties on a proposed disposition of the defendant’s *pro se* motion. Accordingly, the Court **ORDERS** Green’s counsel to **SHOW CAUSE**, on or before February 4, 2021, why a Notice of Intent has not been filed and, if appropriate, to file a motion seeking additional time to file a Notice of Intent.

DONE and **ORDERED** in Dayton, Ohio, this Monday, February 1, 2021.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE